

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:18-cv-616-FDW**

ARNETT THOMAS,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
ROBIN JACKSON, et al.,)	
)	
Defendants.)	
_____)	

THIS MATTER comes before the Court on initial review of the Complaint, (Doc. No. 1), and Application to Proceed in District Court Without Prepaying Fees or Costs, (Doc. No. 2).

Pro se Plaintiff is a prisoner of the State of North Carolina.¹ He filed this civil rights suit pursuant to 42 U.S.C. § 1983, arguing that he was subjected to an “involuntary sainece” in 2010 during which something paranormal scratched his heart since which time Michelle Obama has been sexually harassing him. The Court does not reach the merits of the Complaint because Plaintiff is subject to the “three strikes” provision of 28 U.S.C. § 1915(g).

The Prison Litigation Reform Act (“PLRA”) provides, in part, that if a prisoner has had three prior cases dismissed as frivolous, malicious, or for failure to state a claim upon which relief can be granted, the prisoner may not proceed *in forma pauperis* and must pay all filing fees upfront for his subsequent suits.² 28 U.S.C. § 1915(g); see also Blakely v. Wards, 738 F.3d 607, 609

¹ Plaintiff is presently incarcerated at the Federal Medical Center in Butner, North Carolina, which is located in the Eastern District of North Carolina. He appears to have filed the instant lawsuit in this District because he seeks transfer to the Charlotte State Hospital.

² There is an exception to this rule which does not apply here. See 28 U.S.C. § 1915(g).

(4th Cir. 2013), *as amended* (Oct. 22, 2013).

Plaintiff has had the following civil actions dismissed as frivolous, malicious, and/or for failure to state a claim upon which relief can be granted: **Thomas v. Sony Corp.**, 5:11-ct-3163-BO (E.D.N.C. April 26, 2012) (dismissed as frivolous); **Thomas v. Britt**, 5:14-cv-3132-BO (E.D.N.C. Oct. 22, 2014) (dismissed as frivolous); **Thomas v. Federal Medical Center**, 2015 WL 2193787 (E.D.N.C. May 11, 2015) (dismissing as “clearly frivolous” a complaint that included claims about an involuntary “saince experience”).


The PLRA “three strikes” rule was enacted to bar prisoners like Plaintiff, who have filed prior frivolous litigation in federal court, from pursuing certain types of federal litigation without prepaying the filing fee. To avoid application of 28 U.S.C. § 1915(g), a prisoner must demonstrate that an exception to this bar applies, or prepay the filing fee in full.

Plaintiff has not prepaid the filing fee and he may not proceed *in forma pauperis*. 28 U.S.C. § 1915(g). Consequently, the Court will dismiss the Complaint without prejudice. Plaintiff may refile his Complaint after he has prepaid the filing fee in full.

IT IS, THEREFORE, ORDERED that:

1. Plaintiff’s Application to Proceed in District Court Without Prepaying Fees or Costs, (Doc. No. 2), is **DENIED**.
2. Plaintiff’s Complaint, (Doc. No. 1), is **DISMISSED without prejudice**.
3. The Clerk of Court is instructed to close this case.

Signed: February 1, 2019


Frank D. Whitney
Chief United States District Judge

